

Amendment and Response under 37 C.F.R. 1.116

Applicant: Peter G. Hwang et al.

Serial No.: 10/698,823

Filed: October 31, 2003

Docket No.: 200206327-1

Title: IMAGING APPARATUS WITH STOWABLE MEDIA TRAY

REMARKS

The following Remarks are made in response to the Final Office Action mailed October 20, 2008, in which claims 22-25 were allowed, claims 1-14, 19-21, 30, 32-37, and 39-44 were rejected, and claims 31 and 38 were objected to.

With this Amendment, claims 8, 30, and 34 have been cancelled without prejudice, claims 45-47 have been added, claims 1, 9, 19, 20, 31, 32, 33, 35, 38, and 39 have been amended, and allowable claims 31 and 38 have been rewritten in independent form.

Claims 1-7, 9-14, 19-25, 31-33, and 35-47, therefore, remain pending in the application and are presented for reconsideration and allowance.

Claim Objections

Claims 20 and 39 are objected to because of informalities.

With this Amendment, Applicant has corrected the noted informalities. Applicant, therefore, respectfully requests that the claim objections be reconsidered and withdrawn.

Claim Rejections under 35 U.S.C. § 102 and 35 U.S.C. § 103

Claims 1, 3, 6-13, 19, 30, 32-37, and 44 are rejected under 35 U.S.C. 102(e) as being anticipated by Kagami et al. U.S. Patent No. 6,991,331.

Claims 2, 4-5, 14, 20-21, and 39-43 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kagami et al. U.S. Patent No. 6,991,331 in view of Egashira et al. U.S. Patent No. 5,567,068.

With this Amendment, claims 8, 30, and 34 have been cancelled without prejudice. In addition, dependent claims 32 and 33 have been amended to depend directly or indirectly from allowable claim 31, and dependent claims 35-37 have been amended to depend directly or indirectly from allowable claim 38. The rejections of claims 8, 30, 32, 33, 34, and 35-37, therefore, are rendered moot.

With this Amendment, independent claim 1 has been amended to clarify that the imaging apparatus includes **"wherein one of the second media tray or the first media tray is positioned over the other of the second media tray or the first media tray when the second media tray and the first media tray are in the deployed position."**

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With this Amendment, independent claim 19 has been amended to clarify that the imaging apparatus includes **"wherein one of the second media tray or the first media tray is positioned over the other of the second media tray or the first media tray when the second media tray and the first media tray are in the deployed position."**

With this Amendment, independent claim 39 has been amended to clarify that the method includes **"wherein one of the second media tray or the first media tray is positioned over the other of the second media tray or the first media tray when the second media tray and the first media tray are in the deployed position."**

Independent claims 1, 19, and 39, therefore, each include a first media tray and a second media tray, wherein one of the second media tray or the first media tray is positioned over the other of the second media tray or the first media tray when the second media tray and the first media tray are in the deployed position.

With respect to the Kagami and Egashira references, Applicant submits that these references, individually or in combination, do not disclose an imaging apparatus as claimed in independent claim 1, do not disclose an imaging apparatus as claimed in independent claim 19, and do not disclose a method as claimed in independent claim 39 including a first media tray and a second media tray, wherein one of the second media tray or the first media tray is positioned over the other of the second media tray or the first media tray when the second media tray and the first media tray are in the deployed position.

For example, the Kagami reference discloses a delivery tray unit made of a first delivery tray 115, a second delivery tray 116, and a third delivery tray 117 rotatably held and secured to the lower casing 103, and a first feeding tray 113 and a second feeding tray 114 contained on a back surface of an ASF cover 112 secured to the upper casing 104 (see Fig. 1; col. 4, lines 15-33; col. 5, lines 45-50). Accordingly, the first delivery tray 115, the second delivery tray 116, and the third delivery tray 117 of the Kagami reference extend in one direction from a front portion of a lower half of the apparatus body, and the first feeding tray 113 and the second feeding tray 114 of the Kagami reference extend in another direction from an upper half of the apparatus body. Neither the delivery tray unit (including first, second, and third delivery trays 115, 116, and 117) nor the ASF cover 112 (including first and second feeding trays 113 and 114) of the Kagami reference, however, is positioned over the other of the delivery tray unit or the ASF cover 112. Accordingly, the Kagami reference

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does not disclose a first media tray and a second media tray, wherein one of the second media tray or the first media tray is positioned over the other of the second media tray or the first media tray when the second media tray and the first media tray are in the deployed position, as claimed in independent claims 1, 19, and 39.

In view of the above, Applicant submits that independent claims 1, 19, and 39, and the dependent claims depending therefrom, are each patentably distinct from the cited references and, therefore, are each in a condition for allowance. Applicant, therefore, respectfully requests that the rejections under 35 U.S.C. 102(e) and 35 U.S.C. 103(a) be reconsidered and withdrawn, and that claims 1-7, 9-14, 19-21, 31-33, and 35-47 be allowed.

Allowable Subject Matter

Claims 22-25 are allowed. Applicant appreciates the indicated allowance of these claims.

Claims 31 and 38 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Applicant agrees with the Examiner's conclusions regarding patentability without necessarily agreeing with or acquiescing in the Examiner's reasoning. In particular, Applicant submits that the above-identified claims are allowable because the prior art fails to teach, anticipate or render obvious the invention as claimed, independent of how the invention is paraphrased.

With this Amendment, Applicant has rewritten allowable claim 31 in independent form to include all of the limitations of the base claim (claim 30) and any intervening claims (none). Accordingly, Applicant has amended claims 32 and 33 to depend directly or indirectly from rewritten independent claim 31. As rewritten claim 31 is now believed to be in allowable form, Applicant respectfully submits that dependent claims 32 and 33 are allowable in dependent form. Applicant, therefore, respectfully requests that the objection to claim 31 be withdrawn and that claims 31-33 be allowed.

With this Amendment, Applicant has rewritten allowable claim 38 in independent form to include all of the limitations of the base claim (claim 34) and any intervening claims (none). Accordingly, Applicant has amended claims 35-37 to depend directly or indirectly

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from rewritten independent claim 38. As rewritten claim 38 is now believed to be in allowable form, Applicant respectfully submits that dependent claims 35-37 are allowable in dependent form. Applicant, therefore, respectfully requests that the objection to claim 38 be withdrawn and that claims 35-38 be allowed.

CONCLUSION

In view of the above, Applicant respectfully submits that pending claims 1-7, 9-14, 19-25, 31-33, and 35-47 are all in a condition for allowance and requests reconsideration of the application and allowance of all pending claims.

Any inquiry regarding this Amendment and Response should be directed to either Nathan Reith at Telephone No. (208) 396-5287, Facsimile No. (208) 396-3958 or Scott A. Lund at Telephone No. (612) 573-2006, Facsimile No. (612) 573-2005. In addition, all correspondence should continue to be directed to the following address:

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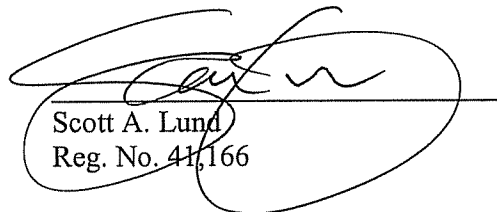
Respectfully submitted,

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